

## **TOBACCO CONTROL BOARD MEETING MINUTES**

**MAY 6, 2004**

The Tobacco Control Board met on Thursday, May 6, 2004, for its monthly meeting in the Main Street Mall building, located at 101 E. Capitol Avenue, Little Rock, Arkansas, beginning at 9:00 a.m. in Conference Room "C". There were 7 - board members present - Mr. John Hauge, Dr. Cliff Johnson, Mr. Ken Milburn, Jr., Mr. Vince Macy, Mr. Ron Rivers, Dr. J. Neal Beaton, Mr. Mark Carter and 1 - board member absent - Mr. Gene McKissic.

The Chairman opened the meeting with a "Welcome" to those attending. He introduced Mr. Brent Gasper, serving as Hearing Officer, and Lydia Williams, as Court Reporter. Mr. Milburn turned the meeting to the Hearing Officer to proceed with the Disciplinary Hearing segment of the meeting.

The following cases were presented to the Board:

**CASE #2004-0980**

**Murphy USA, #5814  
J. Staggs, Permittee**

**Fort Smith, Arkansas**

**VIOLATION: §4-75-708(a)(b) Selling cigarettes below minimum price - 5<sup>th</sup> Offense  
\$750.00 fine & 2-day Suspension of Permit**

The store location was represented by Mr. Jeff Elbatmigi.

After hearing testimony and consideration by the Board a motion was made and approved to find Murphy USA, #1514, in violation of §4-75-708(a)(b) with 7 - Yes votes and 1 - Member absent.

A second motion was made and approved to accept the recommendation of the Director of a \$750.00 fine and a 2-day suspension of permit with 7 - Yes votes and 1 - Member absent.

**Case #2004-0978**

**Tobacco Outlet of Jacksonville  
Shane Smith, Permittee**

**Jacksonville, Arkansas**

**VIOLATION: §4-75-708(b) Offering a rebate or concession – 1<sup>st</sup>  
offense, \$100.00 fine**

Tobacco Outlet of Jacksonville was represented by Mr. Joseph Williams, District Manager for Central Arkansas.

After testimony was presented and Board discussion, a motion was made and approved to find Tobacco Outlet of Jacksonville in violation of §4-75-708(b) with 7 – Yes votes and 1 – Member absent.

A second motion was made and approved to accept the recommendation of the Director, a \$100.00 fine, with 7 – Yes votes and 1 – Member absent.

That concluded the cases for the Board from the Administrative side of the agency.

The cases regarding Sales to Minors issues were presented as follows:

Mr. Roland Darrow, attorney for the Sales to Minors division of the Agency, presented the Default Judgment List dated May 6, 2004, with no response from the audience. A motion was made and approved to accept the Default Judgment list dated May 6, 2004, issue maximum fines on all Sales to Minor cases, and levy recommended fines on all other cases with 7 – Yes votes and 1 – Member absent.

**Case #2004-0820**

**Wild Bills Travel Center  
Don Couch, Permittee**

**Mountainburg, Arkansas**

**VIOLATION: §5-27-227(a)(1) Sale to Minor – 2<sup>nd</sup> Offense  
\$200.00 fine and 1-day  
Suspension of Permit**

A letter was presented to the Board from Mr. Bob Reasoner, who was representing Will Bills Travel Center.

After reviewing the letter and hearing testimony, a motion was made and approved to find Wild Bills Travel Center in violation of §5-27-227(a)(1) and levy a fine of \$500.00 with 7 – Yes votes and 1 – Member absent.

**Case #2004-0997**

**Poney Express Travel Plaza  
Zafar Iqbal, Permittee**

**Cabot, Arkansas**

**VIOLATION: §5-27-227(a)(1) Sale to Minor - 2<sup>nd</sup> Offense,  
\$200.00 fine and 1-day  
Suspension of Permit**

Poney Express Travel Plaza was represented by Mr. Zafar Iqbal.

Testimony was presented to the Board. After consideration a motion was made and approved to find Poney Express Travel Plaza in violation of §5-27-227(a)(1), levy a fine of \$300.00 and remove the 1-day Suspension of Permit with 7 – Yes votes and 1 – Member absent.

**Case #2004-1001**

**Corner 1 Stop**

**Norphlet, Arkansas**

**Karen Gandy, Permittee**

**VIOLATION: §5-27-227(a)(1) Sale to Minor – 2<sup>nd</sup> Offense  
\$200.00 fine and 1-day  
Suspension of Permit**

The business location was represented by Ms. Karen Gandy, permittee.

The agency attorney and Ms. Gandy presented testimony before the Board. After consideration a motion was made and approved to find Corner 1 Stop in violation of §5-27-227(a)(1) and levy a fine of \$300.00 and not suspend the permit with 7 – Yes votes and 1 – Member absent.

This concluded the Disciplinary Hearings and the meeting was turned back over to the Chairman, who asked for approval of the April 1, 2004, board meeting minutes. A motion was made and approved to that effect with 7 – Yes votes and 1 – Member absent.

Mr. Milburn called on Mr. Charlie Davis, the Director, to continue by presenting the “New Retail Permit Report” to the Board. Mr. Davis asked for a blanket approval of the “New Retail Permit Applications issued from April 1, 2004, through May 5, 2004”.

A motion was made and approved to accept the “New Retail Permit applications issued from April 1, 2004, through May 5, 2004, with 7– Yes votes and 1 – Member absent.

Next the Director reviewed and asked for a blanket approval of the “Offers of Settlement accepted by the permittee from April 1, 2004, through May 5, 2004”. A motion was made and approved to accept the “Offers of Settlement accepted by the Permittee from April 1, 2004, through May 5, 2004”, as recommended by the Director, with 7 – Yes votes and 1- Member absent.

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The Chairman asked the Director to continue with his "Address to the Board". He reviewed the April 2004 Complaint Report

He updated the Board on a meeting with the Joint Performance Review Committee at the Capitol.

He called upon Mr. Greg Sled, Enforcement Agent Supervisor, to present his update to the Board.

Next he announced the agency office would be closed on May 31<sup>st</sup> for the Memorial Day holiday.

Mr. Arnie Jochums, Attorney for the Board, gave a "Court Update".

Mr. Milburn discussed forming a new committee called the "Collaborative Legislative Group", which will discuss a Responsible Vendor Program initiative as well as other current tobacco legislative issues.

Mr. John Hauge, a board member, volunteered to serve on this committee as the Committee Chairman. The committee will be made up of tobacco related business groups, health related interested parties, or anyone interested in serving on this committee. Wednesday, June 2, 2004, was selected as the first committee meeting date.

Next on the agenda was an "Open Forum for Board Member Discussion" followed by "Comments from the Audience".

Announcements included the next meeting date of June 3, 2004.

All business of the Board had been conducted and the meeting was adjourned.

Minutes prepared by \_\_\_\_\_  
Janis L. Campbell

May 24, 2004

